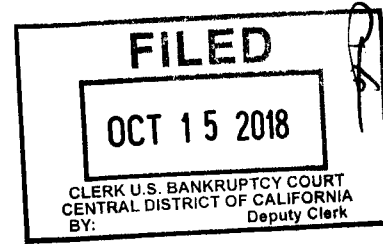


Philip J. Layfield
8 The Green
Suite 6426
Dover, Delaware 19901
(302) 401-6804
phil@maximum.global

Alleged Debtor



**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

Philip James Layfield

Debtor,

Case No.: 2:18-bk-15829-NB

Chapter 7

Assigned to: Hon. Neil Bason

**ALLEGED DEBTOR PHILIP J.
LAYFIELD'S REPLY TO
EXPEDITED MOTION FOR
ENTRY OF AN ORDER
FINDING MICHAEL LEBLANC
IN WILLFUL VIOLATION OF
THE AUTOMATIC STAY AND
ASSESSING SANCTIONS
INCLUDING ACTUAL AND
PUNITIVE DAMAGES AND**

Hearing Date: October 24, 2018

Hearing Time: 10:00am

Place: Courtroom 1545

**255 E. Temple Street
Los Angeles, CA 90012**

TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY

PHILIP J. LAYFIELD'S
REPLY TO EXPEDITED MOTION
CASE NO.: 2:18-bk-15829-NB

**JUDGE; WESLEY H. AVERY-INTERIM, CHAPTER 7 TRUSTEE; AND THE
OFFICE OF THE UNITED STATES TRUSTEE:**

Alleged debtor, Philip J. Layfield (hereinafter "Layfield" or "Mr. Layfield Debtor"), hereby submits this Reply in Support of his Expedited Motion for an Order Finding Michael LeBlanc in Willful Violation of the Automatic Stay and Assessing Sanctions Including Actual and Punitive Damages (the "Reply"). On October 10, 2018, Wesley Avery, the chapter 7 interim-trustee ("Trustee") filed a Limited Opposition (the "Opposition"). See Docket #68. As of today's date, Mr. LeBlanc has not filed an Opposition.

After having reviewed the Opposition and various communications in this particular matter and other matters, one thing is clear. Mr. LeBlanc should not be assessed any damages, fees costs or sanctions. Mr. LeBlanc appears to have relied solely on the misguided information being provided by the Trustee's counsel that Mr. LeBlanc should turn over Alleged Debtor's Exemption property to the Trustee. As more fully set forth in Alleged Debtor's Motion for Protective Order, See Docket #54, the property being held by LeBlanc is Alleged Debtor's Exemption Property. The Trustee agrees that LeBlanc should be ordered to turn over the property. At this phase, the Trustee is not in a position to object to Alleged Debtor's Exemption Property. In fact, because a Motion to Dismiss is Pending, Alleged Debtor is not required to even begin the process of filing schedules in order to disclose exempt property. The time for the Trustee to object to improper exemptions is within 30 days of the section 341 meeting. FRBP 4003(b). Here, the dollar amounts are small. In fact, if this Court were to take a step back for just a minute and assess this situation, this Court would quickly realize that this entire situation is a complete waste of resources.

1 Alleged Debtor is not concealing millions of dollars. Alleged Debtor has been under
2 investigation by the Department of Homeland Security, the FBI, the IRS Criminal Tax
3 Division and the United States Attorneys Office for the Central District of California since at
4 least October 2017 for allegations regarding theft of client funds. Those agencies have
5 virtually unlimited resources and investigative powers. To date, there has been no discovery
6 of any hidden assets. The lead prosecutor, Mark Aveis, who was tricked into pursuing the
7 prosecution of Alleged Debtor was forced to admit that they have found no money. This is
8 telling in so many ways. First, the use of a Trustee and the employment of a team of attorneys
9 to further inflict harm on debtor is a waste of resources. Secondly, the primary motivation of
10 Mr. Golden and his team is to prevent Alleged Debtor from asserting affirmative claims
11 against the parties that have caused harm to Alleged Debtor. This Court should be able to
12 easily see through this gamesmanship and fashion the appropriate relief, which begins with a
13 simple order directing Mr. LeBlanc to turn over Alleged Debtor's exemption property to
14 Alleged Debtor so that he can have the same benefits of every other debtor before this court
15 which is the beneficial use of his exemption property to support his family. Any further
16 improper interference with Alleged Debtor's exemption property should not be tolerated.
17
18
19
20
21
22
23
24

25 Dated: 10/12/18
26

By: 
27

Philip J. Layfield
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
102 Moores Crossing #7, Millsboro, DE 19966

A true and correct copy of the foregoing document entitled (*specify*): Layfield Reply Re Expedited Motion for Sanctions to Find LeBlanc in Violation of the Automatic Stay

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 10/12/2018, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Beth Gaschen bgaschen@wglp.com, kadele@wglp.com, vrosales@wglp.com, cbmeeker@gmail.com, cyoshonis@wglp.com, Faye Rasch frasch@wglp.com, tziemann@wglp.com, Jeffrey Golden: jgolden@wglp.com, Malhar S. Pagay: mpagay@pszjlaw.com Wesley Avery wes@averytrustee.com, c117@ecfbis.com, lucy@averytrustee.com, alexandria@averytrustee.com

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 10/12/2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Bankruptcy Court Filing Window
United States Bankruptcy Court
Roybal Federal Building
255 E. Temple Street
Los Angeles, CA 90012

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 09/09/2018, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Megan Baer megan.h.baer@gmail.com

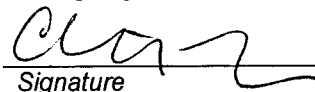
Overnight Mail to:

Michael LeBlanc, 3831 Yazoo Drive, Lake Havasu City, AZ 86404 and to

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

10/12/2018 Christine Layfield
Date Printed Name


Signature

ATTACHMENT TO PROOF OF SERVICE

1. CONTINUED SERVICE LIST:

Jeffrey L Sumpter jsumpter@epiqtrustee.com, jsumpter@cbiz.com

United States Trustee (LA) ustpreion16@la.ecf@usdoj.gov

Dennis J. Wickham wickham@scmv.com, nazari@scmv.com